



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DE SIMONE, Claudio

Atty. Ref.: 2818-58

#6

Division of Serial No. 09/960,652

Group: 1651

D.Q.J

Filed: September 24, 2001

Examiner: Afremova

7/12/03

For: COMPOSITION COMPRISING ALKALINE
SPHINGOMYELINASE FOR USE AS A DIETETIC
PREPARATION, FOOD SUPPLEMENT OR
PHARMACEUTICAL PRODUCT

RECEIVED

JUN 24 2003

TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

DECLARATION OF DEPOSITED MATERIALS

As an authorized representative and on the instructions of MENDES S.R.L.
UNIPERSONALE (MENDES S.U.R.L.), a Italian corporation of Ardea, Italy, the assignee of
the U.S. Patent application identified above, I hereby declare that:

- MENDES s.r.l. Unipersonale (Mendes S.U.R.L.) is the depositor and owner of the
following deposit of biological material identified and referred to in the specification of
this application and on the attached deposit receipt, international form, under the terms of
the Budapest Treaty.

Accession No. DSM-

11988

Depositor's Reference

CD2

Date Deposited

February 6, 1998

- The deposits of biological material identified above were made at the Deutsche
Sammlung von Mikroorganismen und Zellkulturen GmbH in Braunschweig, Germany,
and have been deposited and accepted under the terms of the Budapest Treaty on the
International Recognition of the Deposit of Microorganisms for the Purposes of Patent

Procedure and therefore the filing of a viability statement is unnecessary [37 C.F.R. 1.807(b)]

- The deposits will be maintained for a period of 30 years from the date of deposit or for the enforceable life of any patent issuing from this application or for a period of 5 years after the date of the most recent request for the furnishing of a sample of the deposited material, whichever is longest.
- The deposits will be replaced should they become contaminated or no longer viable.
- Subject to 37 C.F.R. § 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent.
- Access to the deposited material is permitted during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be so entitled under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

I further declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By:



Arthur R. Crawford

Reg. No. 25,327

Date:

June 20, 2003